

REMARKS

The Office Action mailed June 27, 2008, rejected Claims 1-6 and 14-18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0224674, to O'Farrell et al. (hereinafter "O'Farrell"). Claims 1-6 and 15-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2007/0094345, to Rabbers et al. (hereinafter "Rabbers"). Claims 7, 8, 10', 19, 20, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over O'Farrell, in view of U.S. Patent Application Publication No. 2004/0224674, to Fox et al. (hereinafter "Fox"). Claims 9 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Farrell, in view of U.S. Patent Application Publication No. 2004/0015939, to Cheah et al. (hereafter "Cheah"). Claims 11-13 and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Farrell in view of U.S. Patent Application Publication No. 2002/0100036, to Moshir et al. (hereinafter "Moshir").

With this response, Claims 1-25 remain pending in the application.

For the reasons set forth below, applicants traverse the rejections and request reconsideration and allowance of the pending claims.

35 U.S.C. § 102(e) Rejections

As indicated above, Claims 1-6 and 14-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by O'Farrell. Claims 1-6 and 15-18 were also rejected under 35 U.S.C. § 102(e) as being anticipated by Rabbers.

Claims 1-6

Claim 1, as amended, reads as follows:

A method for communicating update metadata corresponding to a software update to a client computer, the method comprising:

receiving a synchronization request from a client computer for information regarding a software update corresponding to a software product; and
responsive to the synchronization request:

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

determining whether a software update is available for the software product;

generating a tag-based data structure storing metadata corresponding to a software update available for installation on the client computer, the tag-based data structure comprising:

a tag-based identifier element storing metadata that uniquely identifies the software update;

a relationship element storing metadata identifying relationships the software update has to other software updates, the relationship element including bundle information that identifies a plurality of software updates that must be installed coextensively, wherein the plurality of software updates are joined together with Boolean operators into a logical statement, such that the evaluation of the logical statement determines the suitability of the plurality software updates for installation on the client computer; and

at least one additional element of the following tag-based elements:

a property element storing metadata identifying general properties relating to the software update including update handler information identifying an update handler for installing the identified software update on the client computer;

a localized property element storing metadata identifying language specific information directed to a computer user relating to the software update;

a rule element storing metadata identifying rules for determining the applicability of the software update to a client computer;

a file element storing metadata identifying the identified software update's payload and information relating to the software update's payload; and

a handler element storing metadata identifying information for executing the update handler identified in the property elements for installing the identified software update on the client computer; and

providing the tag-based data structure to the client computer.

(Emphasis added.)

Claim 1 has been amended with the subject matter of Claims 7 and 8 that have been canceled in the present amendment. Applicants submit that Claim 1, as amended, is allowable over O'Farrell and Rabbers because the subject matter of former Claims 7 and 8 is not found in

either reference. Indeed, the Office Action's 35 U.S.C. § 102(e) rejection of claims of the present application based on O'Farrell and Rabbers does not include former Claims 7 and 8. As a result, for at least the above reasons, Claim 1, as amended, is submitted to be allowable over O'Farrell and Rabbers. Because Claims 2-6 depend directly or indirectly from Claim 1, Claims 2-6 are submitted to be allowable over O'Farrell and Rabbers for at least the same reasons as Claim 1.

Claims 14-18

Because Claim 14 has been amended with the subject matter of former Claims 19 and 20 that were canceled in the present amendment, and because the subject matter of former Claims 19 and 20 is not found in either O'Farrell or Rabbers since the Office Action's 35 U.S.C. § 102(e) rejection of claims of the present application based on O'Farrell and Rabbers does not include former Claims 19 and 20, Claim 14, as amended, is submitted to be allowable over O'Farrell and Rabbers. Because Claims 15-18 depend directly or indirectly from Claim 14, Claims 15-18 are also submitted to be allowable over O'Farrell and Rabbers for at least the same reasons as Claim 14.

35 U.S.C. § 103(a) Rejections

As indicated above, Claims 7, 8, 10, 19, 20, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Farrell, in view of Fox. Claims 9 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Farrell, in view of Cheah. Claims 11-13 and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Farrell in view of Moshir.

As indicated above, Claims 7, 8, 19, and 20 have been canceled, thus rendering their rejection moot. However, as the subject matter of Claims 7, 8, 19, and 20 has been added to independent Claims 1 and 14, applicants address the rejection of former Claims 7, 8, 19, and 20 as set forth below.

The Office Action asserts that with respect to Claims 7, 8, 19, and 20, Fox discloses the plurality of software updates are jointed together with Boolean operator into a logical statement, such that the evaluation of the logical statement determines the suitability of the bundled software updates for installation on a client computer, referencing paragraphs [0012] and [0066] of Fox. Applicants disagree.

Paragraph [0012] of Fox discusses means for describing various packages for installation and states, *inter alia*:

... these descriptions lack cross-platform consistency, and are dependent on the specific installation tool and/or system management tool being used. In addition, the descriptions are not typically or consistently encapsulated with the install image, leading to problems in delivering bundle descriptions along with the corresponding software bundle, and to problems when it is necessary to update both the bundle and the description in a synchronized way.

Thus, paragraph [0012] of Fox, while describing the problems arising out of installation of software packages, fails to teach the subject matter of Claims 7, 8, 19, and 20.

Fox further states that a purported object of its invention is to provide an improved technique for installation of software packages. However, while describing product model object class, which serves as a container for all information relevant to the installation of a particular software component, Fox fails to teach, disclose, or suggest the plurality of software updates are jointed together with Boolean operators into a logical statement, such that the evaluation of the logical statement determines the suitability of the plurality of software updates for installation on the client component.

In contrast, paragraph [0066] of Fox, describes the use of variable model class 350 as a container for attributes of variables used by the component being installed. Fox further describes custom or product-specific validation methods that may be used to perform syntactical and semantic checks on values that are supplied during the installation process including Boolean

variable model for use with Boolean input values. However, Fox fails to disclose the use of Boolean variable model for evaluating the suitability of the plurality of software updates for installation on the client computer, as recited in Claims 8 and 20.

Therefore, for at least the above reasons, applicants submit that the subject matter of former Claims 7, 8, 19, and 20 is allowable over Fox.

Because Claims 10 and 22 depend directly or indirectly from Claims 1 and 14, Claims 10 and 22 are submitted to be allowable for at least the same reasons as Claims 1 and 14 since Fox does not make up for the deficiencies of O'Farrell as discussed above in regard to Claims 1 and 14.

Because Claims 9 and 21 depend directly or indirectly from Claims 1 and 14, Claims 9 and 21 are submitted to be allowable for at least the same reasons as Claims 1 and 14 since Cheah does not make up for the deficiencies of O'Farrell as discussed above in regard to Claims 1 and 14.

Because Claims 11-13 and 22-25 depend directly or indirectly from Claims 1 and 14, Claims 11-13 and 22-25 are submitted to be allowable for at least the same reasons as Claim 14 since Moshir does not make up for the deficiencies of O'Farrell as discussed above in regard to Claims 1 and 14.

CONCLUSION

In view of the foregoing amendments and remarks, applicants submit that Claims 1-25 are in condition for allowance over the cited and applied references, and respectfully request reconsideration and allowance of the same. The Examiner is invited to contact applicants' attorney at the number provided below to resolve any issues that may arise in order to advance prosecution of this application.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Vladimir Raskin, Ph.D.
Registration No. 62,771
Direct Dial No. 206.695.1799

VXR:md/ejh

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100